

Rule 1001-2 [Amended]

CASE MANAGEMENT AND ELECTRONIC CASE FILING SYSTEM – CM/ECF

(a) ***Case Management/Electronic Case Filing System.*** The Court has established an online case management and electronic case filing system (“CM/ECF”), on which the Court maintains paperless court files and dockets and which allows parties with log-ins and passwords issued by the Clerk (“Electronic Filing Users”) to electronically file papers in court files.

(b) ***Electronic Filing Users.*** Attorneys filing papers with the Court must be Electronic Filing Users. Those persons entitled to become Electronic Filing Users include attorneys admitted to the practice in the United States District Court for the Middle District of Florida, United States Trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become an Electronic Filing User, attorneys and other parties must complete CM/ECF training and register with the Clerk. The Clerk shall establish registration, training, and certification procedures, which shall include administering a CM/ECF training program. The Clerk shall keep a registry of authorized Electronic Filing Users. Electronic Filing Users shall adhere to all requirements as promulgated by the Clerk and posted on the Court’s internet website, www.flmb.uscourts.gov. The Clerk shall be responsible for maintaining and promulgating the requirements and guidelines as necessary.

(c) ***Retention of Original Papers.*** Electronic Filing Users shall retain signed originals of the following papers for four years after the closing of the case: all petitions, lists, schedules, statements, including the Statement of Social Security Number (Official Form 21), affidavits and other documents that require verification under Fed. R. Bankr. P. 1008, and unsworn declarations as provided for in 28 U.S.C. § 1746.

(d) ***Waiver of Service by Mail.*** Registration as an Electronic Filing User constitutes (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(e) ***Electronic Filing of Proofs of Claim and Related Documents.*** Claimants who are not Electronic Filing Users may file proofs of claim in paper or through the eProof of Claim hyperlink on the Court’s website, www.flmb.uscourts.gov. All claimants who have filed or expect to file 25 or more claims and/or claim-related papers, such as transfers of claims and withdrawals of claims, within any one-year period, shall file these claims and documents electronically through CM/ECF or the eProof of Claim hyperlink. Exceptions to the mandatory electronic filing of claims and claim-related papers include:

(f) ***Electronic Ballot Filing in Chapter 11 Cases.*** Parties may file paper ballots with the Court in accordance with Local Rule 3018-1, but are encouraged to electronically file ballots through the Chapter 11 eBallots hyperlink on the Court's website, www.flmb.uscourts.gov.

(g) ***Unavailability of CM/ECF or Hyperlinks.*** Electronic Filing Users are permitted to file paper documents whenever CM/ECF is inaccessible or whenever the Electronic Filing User's computer system is not functioning. Filers of proofs of claim who are unable to access the Court's eProof of Claim hyperlink and filers of ballots who are unable to access the Court's eBallot hyperlink may file paper proofs of claim and ballots. After-hours emergency filing procedures are set forth in Local Rule 5001-2.

(h) ***Access to CM/ECF by Non-Electronic Filing Users.***

(1) ***PACER Access.*** Any person or organization, including parties appearing before the Court *pro se*, may access CM/ECF at the Court's internet web site by obtaining a log-in and password from PACER (Public Access to Court Electronic Records), available at www.pacer.gov. Those who have PACER access but who are not Electronic Filing Users may retrieve docket sheets and court papers, but may not file documents electronically.

(2) ***Request by Pro Se Debtors to Receive Electronic Notification.*** Individual *pro se* debtors who have an internet email address may request to receive electronic notification of filings made in their bankruptcy cases by submitting the form available on the Court's website, www.flmb.uscourts.gov/cmecf.

Notes of Advisory Committee

2013 Amendments

This amendment clarifies current CM/ECF practices and electronic filing procedures, including the requirement that attorneys filing papers with the Court be Electronic Filing Users. This Amendment supersedes and replaces archived Administrative Orders FLMB 2003-4, FTM 2005-2, JAX-2004-2, ORL-2004-2, and TPA 2005-05 (establishing deadlines for attorneys to participate in CM/ECF) and archived Administrative Orders FTM-2008-1, JAX-2006-5, ORL-2008-1, and TPA-2008-10 (establishing deadlines for claimants to electronically file proofs of claim and related papers).

2004 Amendment

This amendment is adapted from the “Model Local Bankruptcy Court Rules for Electronic Case Filing” approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment sets out overall electronic filing guidance and requirements, yet allows the Clerk flexibility in managing the details of this system. It is contemplated that the Clerk will actively coordinate such activities with members of the Bankruptcy Bar in the District.

This amendment also establishes a presumption that once attorneys or others become an “Electronic Filing User,” they will file all documents in cases assigned to CM/ECF by electronic means only. Consistent with Fed. R. Bankr. P. 5005, this rule strongly encourages attorney participation while not making electronic filing mandatory. (Fed. R. Bankr. P. 5005 in part states that a court “may permit” papers to be filed electronically, and provides that the Clerk “shall not refuse to accept for filing any paper presented...solely because it is not presented in proper form.”)